

Notice of Allowability

Application No.

09/694,425

Examiner

Amee A. Shah

Applicant(s)

USSERY ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Ex. Amdt of 12/20/07.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

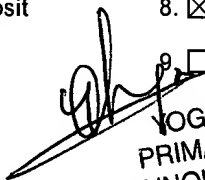
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 12/20/07.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/19/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment with respect to the claims was given in a telephone interview with Daniel Venglarik on December 19, 2007.

The application has been amended as follows:

In the Title:

The title has been changed to the following: ~~Electronic commerce Method and~~ system[[s]] for providing commercial information and operating an electronic commerce system over a global communication network with company and constituency nodes ~~and methods of operating the same.~~

In the Claims:

Claim 1 (currently amended). For use over a global communications network having company nodes and constituency nodes associated therewith, an electronic commerce system comprising:

a data repository that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with company information,

wherein each set of said company information relates to a specific company that is represented by a specific company node; and, ~~wherein at least one~~

a communications controller that is operable to (i) allow said specific company node is
~~operable to modify a set of~~ said company information that is stored in said data files and that
relates to said specific company and is operable to control when times at which selected portions
of said set of said company information in said data files relating to said specific company are
first made available to said constituency nodes; and a communications controller that is operable
~~to (i)~~ (ii) propagate communication interfaces accessible by said constituency nodes and
facilitating access by said constituency nodes to said ~~with~~ selected portions of said set of said
company information under control of said specific company nodes node in a manner that
ensures compliance with one or more governmental disclosure requirements applicable to one or
more the companies associated with the company nodes, and ~~(ii)~~ (iii) gather feedback
information representative of constituency response to said constituency nodes accessing said
communication interfaces.

Claim 2 (currently amended). The electronic commerce system for use over a global communications network recited in Claim 1 wherein said communications controller is further operable to process said gathered feedback information and, in response thereto, modify said set of said company information in ones of said data files relating to said specific company.

Claim 3 (currently amended). The electronic commerce system for use over a global communications network recited in Claim 1 2 wherein said communications controller is further

operable to analyze said gathered feedback information and said set of said company information ~~in ones of~~ said data files relating to said specific company and, in response thereto, to report results of said analysis thereof to said ~~at least one~~ specific company node.

Claim 5 (currently amended). The electronic commerce system for use over a global communications network recited in Claim 1 further comprising a security controller that is operable, with respect to those data files associated with said specific company ~~node~~, to limit access to said ~~these~~ data files associated with said specific company to designated personnel of said specific company ~~of said at least one company node~~.

Claim 9 (currently amended). The electronic commerce system for use over a global communications network recited in Claim 1 wherein said communications controller is further operable to organize said selected portions of said set of said company information that are propagated by said communication interfaces into channels accessible by said constituency nodes.

Claim 11 (currently amended). For use over a global communications network having company nodes and constituency nodes associated therewith, a method of operating an electronic commerce system having a data repository and a communications controller, said method of operation comprising:

storing data files associated with said company nodes in said data repository, wherein said company nodes populate respective associated data files with company information and

wherein each set of said company information relates to a specific company that is represented by a specific company node;

~~modifying using at least one~~ allowing said specific company node to modify said set of
said company information that is stored in said data files relating to said specific company;

~~controlling using said at least one~~ allowing said specific company node to control times at
which when selected portions of said set of said company information in said data files relating
to said specific company are first made available to said constituency nodes;

propagating communication interfaces accessible by said constituency nodes and
facilitating access by said constituency nodes to said ~~with~~ selected portions of said set of said
company information, wherein said communication interfaces are propagated using said
~~communications controller~~ under control of said specific company nodes node in a manner that
ensures compliance with one or more governmental disclosure requirements applicable to ~~the~~
one or more companies associated with the company nodes; and

gathering feedback information ~~with said communications controller, said feedback~~
~~information~~ representative of constituency response to said constituency nodes accessing said
communication interfaces.

Claim 12 (currently amended). The method of operating the electronic commerce
system for use over a global communications network recited in Claim 11 further comprising ~~the~~
~~steps of processing said gathered feedback information and, in response thereto, modifying ones~~
~~of~~ said set of said company information in said data files relating to said specific company

Claim 13 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the steps of~~ analyzing said gathered feedback information and ~~ones of~~ said set of said company information in said data files relating to said specific company and, in response thereto, reporting results thereof to said ~~at least one~~ specific company node.

Claim 14 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the step of~~, while gathering said feedback information, employing mathematical representations to represent at least one of constituency understanding and constituency reaction.

Claim 15 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the step of~~ limiting, with respect to ~~these~~ data files associated with said specific company node, access to said ~~these~~ data files associated with said specific company to designated personnel of said specific company of said ~~at least one company~~ node.

Claim 16 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 15 ~~wherein said limiting access step further comprises the step of~~ comprising using an interactive voice recognition controller to verify the identity of said designated personnel.

Claim 17 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the step of~~ translating said selected portions of said company information from a first language into a second language.

Claim 18 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the steps of storing,~~ indexing and relating associated portions of said company information in the data repository.

Claim 19 (currently amended). The method of operating the electronic commerce system for use over a global communications network recited in Claim 11 further comprising ~~the step of~~ organizing said selected portions of said set of said company information that are propagated by said communication interfaces into channels accessible by said constituency nodes.

Claim 20 (currently amended). For use over a global communications network having company nodes and constituency nodes associated therewith, an electronic commerce system comprising:

a data repository that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with company information

wherein each set of said company information relates to a specific company that is represented by a specific company node; and

a communications controller that is operable to:

allow said specific ~~wherein at least one company node is operable~~ to modify a set of said company information that is stored in said data files and that relates to said specific company and ~~is operable to control when times at which~~ selected portions of said set of said company information in said data files relating to said specific company are first made available to said constituency nodes; and

~~a communications controller that is operable to:~~

propagate communication interfaces accessible by said constituency nodes and facilitating access by said constituency nodes to said ~~with~~ selected portions of said set of said company information under control of said specific company ~~nodes~~ node in a manner that ensures compliance with one or more governmental disclosure requirements applicable to ~~the~~ one or more companies associated with the company nodes,

gather feedback information representative of constituency response to said constituency nodes accessing said communication interfaces,

process and analyze said gathered feedback information and, in response thereto, to at least one of (a) modify ones of said set of said company information in said data files and (b) report results ~~thereof~~ of said analysis to said specific company node, and

limit access, with respect to ~~these~~ data files associated with said specific company node, to designated personnel of said specific company ~~of said at least one company node~~.

Claim 21 (currently amended). The electronic commerce system recited in Claim 1, wherein ~~the~~ said communications controller is operable to ensure compliance with ~~the~~ said one or more governmental disclosure requirements by fully disseminating ~~the~~ said selected portions of ~~the~~ said set of said company information to ~~the~~ said constituency nodes ~~in compliance with the one or more governmental disclosure requirements.~~

Claim 22 (currently amended). The electronic commerce system recited in Claim 1, wherein ~~the~~ said communications controller is operable to control availability of said ~~when the~~ selected portions of said set of said company information ~~are made available~~ to the constituency nodes by:

allowing multiple versions of a single data file to be stored in ~~the~~ said data repository;
and

refraining from propagating ~~the~~ said selected portions of said set of said company information in ~~the~~ said data files to ~~the~~ said constituency nodes until ~~one of the~~ said specific company node ~~nodes~~ indicates that a specific version of ~~the~~ said selected portions of said set of said company information in said data file is ready for distribution.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

Claims 1-22 are allowed.

Claim 1.

The prior art of record neither anticipates nor fairly and reasonably, either alone or combined, renders obvious the system of claim 1 of an electronic commerce system for use over a global communications network having company nodes and constituency nodes associated therewith; wherein said system comprises: a data repository that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with company information, wherein each set of said company information relates to a specific company that is represented by a specific company node; and a communications controller that is operable to (i) allow said specific company node to modify a set of said company information that is stored in said data files and that relates to said specific company and to control times at which selected portions of said set of said company information in said data files relating to said specific company are first made available to said constituency nodes; (ii) propagate communication interfaces accessible by said constituency nodes and facilitating access by said constituency nodes to said selected portions of said set of said company information under control of said specific company node in a manner that ensures compliance with one or more governmental disclosure requirements applicable to one or more companies associated with the company nodes, and (iii) gather feedback information representative of constituency response to said constituency nodes accessing said communication interfaces.

The most remarkable prior art is Thompson, US 6,393,410, cited in previous office actions (hereafter referred to as "Thompson"). Thompson teaches an electronic commerce system for use over a global communications network (i.e., the internet) having company nodes (i.e., the owner of a project such as an architect or contractor) and constituency nodes (i.e., a

purchaser such as a contractor or engineer) associated therewith (*see* Abstract); wherein said system comprises: a data repository (col. 2, lines 40-45) that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with company information (i.e., information about the construction projects); wherein at least one company node is operable to modify said company information that is stored in said data files (col. 3, lines 46-55 – note the administrative team/user is able to change and update the information); and a communications controller (20) that is operable (i) to propagate communications interfaces accessible by said constituency nodes with selected portions of said commercial information (i.e., the construction project) under control of said company nodes (col. 3, lines 29-36), and (ii) gather feedback information (i.e., the response of the sub-contractors) representative of constituency response to said constituency nodes accessing said communication interfaces (col. 4, lines 20-49).

Thompson does not anticipate nor teach wherein each set of said company information relates to a specific company that is represented by a specific company node, but rather that the data files contain company information relating to construction project presented by the company (col. 2, lines 36-39). However, this difference is only found in the nonfunctional descriptive material stored in the data files and is not functionally related to the substrate of the system. The system would perform the functions of storing, modifying, controlling and propagating the data in the same manner regardless of the type of data, whether relating to a company, a project or both. It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system taught by Thompson to store, modify, control and disseminate any type of information in any industry.

However, Thompson does not anticipate nor reasonably or fairly teach and a communications controller that is operable to (i) allow said specific company node to modify a set of said company information that is stored in said data files and that relates to said specific company and to control times at which selected portions of said set of said company information in said data files relating to said specific company are first made available to said constituency nodes; (ii) propagate communication interfaces accessible by said constituency nodes and facilitating access by said constituency nodes to said selected portions of said set of said company information under control of said specific company node in a manner that ensures compliance with one or more governmental disclosure requirements applicable to one or more companies associated with the company nodes, and (iii) gather feedback information representative of constituency response to said constituency nodes accessing said communication interfaces.

Another remarkable prior art is Kobayashi et al., US 6,275,825 B1, cited in prior office actions (hereafter referred to as "Kobayashi"). Kobayashi, dealing with the same problem of access to files, teaches a method and system for controlling access to various features of a software application, including wherein the software controls when selected portions of information in data files are made available to constituency nodes, i.e. controlling access to portions of information contained in databases (*see, e.g.*, Abstract, col. 4, lines 8-31 and col. 10, line 44 through col. 11, line 16). However, applicant's arguments that Kobayashi does not teach withholding the publication of information and the timing of publishing the information (Remarks, page 27) are persuasive.

The prior art does not anticipate nor reasonably or fairly teach the system of claim 1 as a whole. Thus, claim 1 is patentable over the prior art.

Claims 2-10, 21 and 22.

Claims 2-10, 21 and 22 are dependencies of independent claim 1 and are allowable over the prior art for the reasons identified above with respect to claim 1.

Claim 11.

Claim 11 recites a method of operating an electronic commerce system having a data repository and a communications controller for use over a global communications network having company nodes and constituency nodes. The steps of the method are consistent with and parallel to the functionalities and limitations of claim 1. This method is allowable over the prior art for reasons consistent with those identified above with response to claim 1.

Claims 12-19.

Claims 12-19 are dependencies of independent claim 11 and are allowable over the prior art for the reasons identified above with respect to claim 11.

Claim 20.

Claim 20 recites an electronic commerce system having a data repository and a communications controller for use over a global communications network having company nodes and constituency nodes, with limitations that are consistent with and parallel to the functionalities and limitations of claim 1. This method is allowable over the prior art for reasons consistent with those identified above with response to claim 1.

EXAMINER'S COMMENTS

Applicant's Remarks of October 3, 2007, have been considered. In view of the definition of a communications controller as provided in the specification (Remarks, pages 11-12), the 35 U.S.C. §101 rejections are withdrawn.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of (i) allowing said specific company node to modify a set of said company information that is stored in said data files and that relates to said specific company and to control times at which selected portions of said set of said company information in said data files relating to said specific company are first made available to said constituency nodes and (ii) propagating communication interfaces accessible by said constituency nodes and facilitating access by said constituency nodes to said selected portions of said set of said company information under control of said specific company node in a manner that ensures compliance with one or more governmental disclosure requirements applicable to one or more companies associated with the company node, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number:
09/694,425
Art Unit: 3625

Page 16


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

December 18, 2007


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600